

1 HB115  
2 134306-1  
3 By Representative Long  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 07-FEB-12  
6 PFD: 02/02/2012

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8 SYNOPSIS: This bill would provide that the liability  
9 and responsibility of a contractor or subcontractor  
10 and its officers, directors, agents, and employees  
11 performing highway, road, or street repairs,  
12 construction or maintenance on behalf of the state,  
13 any county, or any local government for damages  
14 arising from the construction project or roadway  
15 conditions shall cease upon the acceptance by the  
16 Alabama Department of Transportation, such county,  
17 or such local government of such highway, road, or  
18 street project as being in substantial compliance  
19 with the contract documents, plans, and  
20 specifications governing the project.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

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26 To provide that the responsibility and liability of  
27 any contractor or subcontractor, including its officers,

1 directors, agents, and employees, who performs highway, road,  
2 or street repairs, construction or maintenance work for any  
3 injuries resulting from the condition of any highways, roads,  
4 or streets, which are constructed, repaired, or maintained for  
5 or on behalf of the state, county, or local government shall  
6 cease and be immediately terminated upon the acceptance by the  
7 Alabama Department of Transportation, such county, or such  
8 local government of such highway, road, or street project as  
9 being in substantial compliance with the contract documents,  
10 plans, and specifications governing the project.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. The contractual and maintenance  
13 responsibilities and civil liability of a contractor and its  
14 officers, directors, agents, and employees, or its  
15 subcontractors, officers, directors, agents, and employees of  
16 the subcontractor, performing highway, road, or street  
17 repairs, construction, or maintenance on behalf of the Alabama  
18 Department of Transportation, any county, or any local  
19 government, shall cease and be immediately terminated upon the  
20 acceptance of the designated project as being in substantial  
21 compliance with the plans, specifications, and contractual  
22 requirements governing the project as determined by the  
23 Alabama Department of Transportation, such county, or such  
24 local government of such highway, road, or street project.

25 Section 2. Inasmuch as the Alabama Department of  
26 Transportation, or other public authority, is the designer and  
27 owner of the roadway, the contractor or subcontractor, along

1 with their officers, directors, agents, and employees, shall  
2 bear no civil liability for any alleged property damages,  
3 injury, death, or other civil remedy for allegations or claims  
4 made by noncontractual third parties arising from the design  
5 or engineering of the project by the Alabama Department of  
6 Transportation or regard to acceptance of the project by the  
7 Alabama Department of Transportation or other public agency.  
8 Any responsibility of the contractor or subcontractor and  
9 their officers, directors, agents, and employees, for the  
10 construction, maintenance, or supervision of the road project  
11 is relieved upon the acceptance of the project as being in  
12 substantial compliance with the plans, specifications, and  
13 contractual requirements agreed upon with the Alabama  
14 Department of Transportation or other public owner of the  
15 project.

16 Section 3. The contractor or subcontractor,  
17 including their officers, directors, agents, or employees,  
18 shall bear no civil liability for any condition or defect of  
19 the roadway that is outside of the scope of the project or  
20 that arises after the Alabama Department of Transportation or  
21 other public agency has accepted the project as being in  
22 substantial compliance with the plans, specifications, and  
23 contractual requirements agreed upon for the project. The  
24 contractor or subcontractor shall not be responsible for an  
25 owner's decisions as to the scope of the project or as to the  
26 maintenance responsibilities for which the public owner is  
27 responsible following substantial completion of the project.

1                   Section 4. This act shall only apply to a cause of  
2                   action which accrues after the effective date of this act.  
3                   Under the purposes of this act, a cause of action accrues at  
4                   the time of property damage or the occurrence of the injury or  
5                   death that is made the basis of a civil action.

6                   Section 5. This act shall become effective  
7                   immediately following its passage and approval by the  
8                   Governor, or its otherwise becoming law.